

TITLE 10

LAND USE PLANNING AND ZONING

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Chapters:

- 10.03 Building regulation and inspection**
- 10.05 Advisory Plan Commission**
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Chapter 10.03

BUILDING REGULATION AND INSPECTION

Sections:

10.03.005	Purpose
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10.03.005 Purpose. Whereas, Harrison County, having enacted Ordinance 1989-12 on Nov. 20, 1989 to create a department of buildings and office of building commissioner and inspectors, to empower the same to administer and enforce certain building rules promulgated by the Administrative Building Council of the State of Indiana and adopted by reference in said ordinance, and to provide for the issuance of building permits and to collect fees therefor, and

Whereas, the town of Milltown, having enacted Ordinance No. 1989-12 on July 9, 1990, to adopt by reference certain building rules promulgated by the Administrative Building Council of the State of Indiana, to provide relocation of buildings and structures shall comply with said rules, and to provide penalties for the violation of said ordinance and rules adopted thereunder within the corporate limits of the town of Milltown, and

Whereas, the County of Harrison and the town of Milltown, as parties hereto, desire to designate a single agency to administer and enforce such building rules as each has adopted by ordinance, which procedure is expressly provided for in Indiana Code 36-7-8-7, and

Whereas, the parties hereto have agreed to make such designation and to set out certain mutually agreed upon conditions therewith by means of this joint resolution. (Joint Resolution unnumbered, July 9, 1990)

10.03.010 Administering building regulations and inspection. It is hereby agreed by and between the County of Harrison and the Town of Milltown that:

- (1) The Department of Buildings of Harrison County is the single agency designated to administer building regulation and inspection within the boundaries of the units of government which are parties hereto.
- (2) The Building Commissioner of Harrison County is authorized and empowered to issue building permits, make inspections, order corrections of violations, issue Certificates of Occupancy, and to perform such other ministerial duties as are commonly performed in the execution of his office, on behalf of the parties hereto.

- (3) That any appeal to a decision by the Building Commissioner of Harrison County shall lie first with the county executive pursuant to IC 36-7-8-9, and to the Administrative Building Council as provided for in IC 22-11-1-21.5.
- (4) That any judicial remedy sought by the Building Commissioner of Harrison County to enforce his lawful orders to obtain compliance with the building regulations of the parties hereto shall be brought to the County or Town Attorney, of the unit of government within which boundaries a violation occurs, for disposition.
- (5) That such permit fees that are collected by the Building Commissioner of Harrison County shall be accounted for and deposited in the General Fund of Harrison County and shall be considered full payment for any inspection services provided by his office on behalf of the parties hereto. (Joint Resolution unnumbered, July 9, 1990)

10.03.020 Effective when. This agreement shall become effective upon approval by the Board of County Commissioners of Harrison County and the Town Board of the Town of Milltown, and upon signing this document by their chief executive officers. (Joint Resolution unnumbered, July 9, 1990)

10.03.030 Effective continuously. This agreement shall be in effect continuously year to year without the necessity of a formal renewal by any party thereto, unless terminated by resolution of the Board of County Commissioners of Harrison County. (Joint Resolution unnumbered, July 9, 1990)

Chapter 10.05

ADVISORY PLAN COMMISSION

Sections:

10.05.010 Designating the Crawford County Advisory Plan Commission as the Municipal Plan Commission

10.05.010 Designating the Crawford County Advisory Plan Commission as the Municipal Plan Commission. Be it ordained by the Town Council of the Town of Milltown, Indiana that based upon provisions of Indiana Code 36-7-4-410 the proposed Crawford County Advisory Plan Commission is herein authorized to act as the municipal plan commission on behalf of the Town of Milltown. (Ord. 96-001, Mar. 11, 1996)

Chapter 10.20

FLOOD HAZARD ZONING ORDINANCE

Sections:

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10.20.010 Statutory Authorization. The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following. (Ord. unnumbered, S1, Feb. 8, 1999) (Ord. 6-1985, S1, Sept. 3, 1985)

10.20.020 Statement of Purpose. The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Milltown Town Board of Trustees hereby adopts the following floodplain management regulations in order to accomplish the following:

- (1) to prevent unwise developments from increasing flood or drainage hazards to others;
- (2) to protect new buildings and major improvements to buildings from flood damage;
- (3) to protect human life and health from the hazards of flooding;
- (4) to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

- (5) to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- (6) to make federally subsidized flood insurance available for property in the Town of Milltown by fulfilling the requirements of the National Flood Insurance Program. (Ord. unnumbered, S2, Feb. 8, 1999) (Ord. 6-1985, S2, Sept. 3, 1985)

10.20.030 Definitions. For the purpose of this ordinance, the following definitions are adopted:

- (1) Building - see "structure."
- (2) Development - any man-made change to improved or unimproved real estate including but not limited to:
 - A. construction, reconstruction, or placement of a building or any addition to a building;
 - B. installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
 - C. installing utilities, erection of walls and fences, construction of roads, or similar projects;
 - D. construction of flood control structures such as levees, dikes, channel improvements, etc.;
 - E. mining, dredging, filling, grading, excavation, or drilling operations;
 - F. construction and/or reconstruction of bridges or culverts;
 - G. storage of materials; or
 - H. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filing, grading, excavation, or the construction of permanent buildings.

- (3) Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of

streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

- (4) Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (5) FHBM - means Flood Hazard Boundary Map.
- (6) FIRM - means Flood Insurance Rate Map.
- (7) Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- (8) Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
- (9) Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.
- (10) Floodway - means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream
- (11) Floodway fringe - means those portions of the flood hazard areas lying outside the floodway.
- (12) Lowest floor - means the lowest of the following:
 - A. the top of the basement floor;
 - B. the top of the garage floor, if the garage is the lowest level of the building;
 - C. the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
 - D. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:

1. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 2. such enclosed space shall be usable for the parking of vehicles and building access.
- (13) Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (14) New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- (15) Recreational Vehicle - means a vehicle which is
- A. built on a single chassis;
 - B. 400 square feet or less when measured at the largest horizontal projections;
 - C. designed to be self-propelled or permanently towable by a light duty truck; and
 - D. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel or seasonal use.
- (16) Regulatory Flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The (regulatory flood elevation at any location is as defined in Section 10.20.050 of this Chapter. The "Regulatory Flood" is also known by the term "Base Flood."
- (17) SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the Town that are subject to inundation by the regulatory

flood. The SFHAs of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated October 15, 1985. The SFHAs of those parts of unincorporated Crawford / Harrison Counties that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Crawford County by the Federal Emergency Management Agency, dated January 17, 1986, and the Flood Insurance Rate Map prepared for Harrison County by the Federal Emergency Management Agency, dated November 1, 1995.

- (18) Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.
- (19) Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".
- (20) FBFM - Flood Boundary and Floodway Map
- (21) FEMA - Federal Emergency Management Agency
- (22) Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
- (23) Letter of Map Revision (LOMR) - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineation's, and elevations. (Ord. unnumbered, S3, Feb. 8, 1999) (Ord. 6-1985, S3, Sept. 3, 1985)

10.20.040 Duties of the Administrator. The Zoning Administrator for the Town of Milltown is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

- (1) Ensure that all development activities within the SFHAs of the jurisdiction of the Town meet the requirements of this ordinance.

- (2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- (3) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 10.20.070 of this Chapter, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).
- (4) Maintain a record of the “as-built” elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.
- (5) Maintain a record of the engineer’s certificate and the “as built” floodproofed elevation of all buildings subject to Section 10.20.080 of this Chapter.
- (6) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- (7) Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and “as built” elevation and floodproofing data for all buildings constructed subject to this ordinance.
- (8) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA. (Ord. unnumbered, S4, Feb. 8, 1999) (Ord. 6-1995, S5, pt S10, Sept. 3, 1985)

10.20.050 Regulatory Flood Elevation. This ordinance’s protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation and floodway limits for the SHFAs of Blue River shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town prepared by the Federal Emergency Management Agency and dated October 15, 1985.
- (2) The regulatory flood elevation for each SFHA delineated as an “AH ZONE” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Town.
- (3) The regulatory Flood Elevation for each of the remaining SFHAs delineated as an “A ZONE” on the Flood Insurance Rate Map of the Town shall be

according to the best data available as provided by the Department of Natural Resources.

- (4) The regulatory flood elevation and flood way limits for the SFHAs of those parts of unincorporated Crawford /Harrison Counties that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town shall be as delineated on the 100 year flood profiles in the Flood Insurance Study and corresponding Flood Boundary Floodway Map of Crawford County prepared by the Federal Emergency Management Agency, dated January 17,1986 and the Flood Insurance Rate Map of Harrison County prepared by the Federal Emergency Management Agency, dated November 1,1995.

If the SFHA is delineated as “AH Zone or AO Zone,” the elevation (or depth) will be delineated as “Zone A” on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources. (Ord. unnumbered, S5, Feb. 8, 1999) (Ord. 6-1985, S4, Sept. 3, 1985)

10.20.060 Improvement Location Permit. No person, firm, corporation, or governmental body not exempted by state law shall commence any “development” in the SFHA without first obtaining an Improvement Location Permit from the Town of Milltown. The Town of Milltown shall not issue an Improvement Location Permit if the proposed “development does not meet the requirements of this ordinance.”

- (1) The application for an Improvement Location Permit shall be accompanied by the following:
 - A. A description of the proposed development.
 - B. Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams.
 - C. A legal description of the property site.
 - D. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
 - E. Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD).
- (2) Upon receipt of an application for an Improvement Location Permit, the Building Official shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.

- A. If the site is in an identified floodway the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of IC 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction the building.

No action shall be taken by the Building Official until a permit has been issued by the Natural Resources Commission, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in Sections 10.20.070 and 10.20.080 of this chapter have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- B. If the site is located in an Identified floodway fringe, then the Building Official may issue the local Improvement Location Permit provided the provisions contained in Section 10.20.070 and 10.20.080 of this chapter have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.
- C. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Building Official until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection grade has been received from the Department of Natural Resources.

Once the Building Official has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in Section 10.20.070 and 10.20.080 of this chapter have been met.

- D. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Zoning Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site. Upon receipt, the Zoning Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 10.20.070 and 10.20.080 of this chapter have been met. (Ord. unnumbered, S6, Feb. 8, 1999) (Ord. 6-1985, S10, Sept. 3, 1985)

10.20.070 Preventing Increased Damages. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- (1) Within the floodway identified on the flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
 - A. No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and
 - B. For all projects involving channel modifications or fill (including levees) the Town shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data
- (2) Within all SFHAs identified as A zones (no 100 year flood elevation and/or floodway/flood fringe delineation has been provided) the following standard shall apply:
 - A. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.
- (3) Public Health Standards in all SFHAs
 - A. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of Section 10.20.080 of this Chapter.
 - B. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above

ground openings located below the FPG are watertight. (Ord. unnumbered, S7, Feb. 8, 1999) (Ord. 6-1985 pt S10, Sept. 3, 1985)

10.20.080 Protecting buildings. In addition to the damage prevention requirements of Section 10.20.070, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

- (1) This building protection requirement applies to the following situations:
 - A. construction or placement of any new building having a floor area of greater than 400 square feet;
 - B. structural alterations made to:
 1. an existing (previously unaltered building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);
 2. any previously altered building;
 - C. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding value of the land) before damage occurred;
 - D. installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood.
 - E. installing a travel trailer on a site for more than 180 days.
- (2) This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in Section 10.20.040 of this chapter.
 - A. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 2. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If

vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. The lowest floor (see definition of lowest floor in Section 10.20.030. Definitions) shall be at or above the FPG.
- B. A residential or nonresidential building may be elevated in accordance with the following:
1. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 - (a) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above grade.
 - (b) Any enclosure below the elevated floor is used for the parking of vehicles and building access.
 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
 3. All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- C. Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (a) outside a manufactured home park or subdivision;
 - (b) in a new manufactured home park or subdivision;
 - (c) in an expansion to an existing manufactured home park or subdivision; or
 - (d) in an existing manufacture home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.

2. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

D. Recreation vehicles placed on a site shall either:

1. be on the site for less than 180 consecutive days;
2. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached additions); or
3. meet the requirements for “manufactured homes” in paragraph C. of this Section.

E. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

1. a Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and

capable of resisting the effects of the regulatory flood. The Building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity. (Ord. unnumbered, S8, Feb. 8, 1999) (Ord. 6-1985, pt S10, Sept. 3, 1985)

10.20.090 Other Development Requirements.

- (1) The Zoning Official shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Official finds the subdivision to be so located, the Official shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Official shall require appropriate changes and modifications in order to assure that:
 - A. it is consistent with the need to minimize flood damages;
 - B. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or iminate flood damage;
 - C. adequate drainage is provided so as to reduce exposure to flood hazards;
 - D. on site waste disposal systems, if provided, will be located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- (2) Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Zoning Official.
- (3) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHMB or FIRM develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities. Ord. unnumbered, S9, Feb. 8, 1999) (Ord. 6-1985, pt S10, Sept. 3, 1985)

10.20.100 Variances.

- (1) The Board of Zoning appeals may consider issuing a variance to the terms and provisions of this ordinance (chapter) provided the applicant demonstrates that:

- A. There exists a good and sufficient cause for the requested variance;
 - B. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and
 - C. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with the existing laws or ordinances.
- (2) The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
- A. No variance or exception for a residential use within a flood way subject to Section 10.20.070 (1) or (2) may be granted.
 - B. Any variance or exception granted in a floodway subject to Section 10.20.070 (1) or (2) will require a permit from Natural Resources.
 - C. Variances or exceptions to the Building Protection Standards of Section 10.20.080 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 - D. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
 - E. All variances shall give the minimum relief necessary and be such that the maximum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
 - F. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums. (Ord. unnumbered, S10, Feb. 8, 1999) (Ord. 6-1985, S9, Sept. 3, 1985)

10.20.110 Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can

and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereafter. (Ord. unnumbered, S11, Feb. 8, 1999) (Ord. 6-1985, S11, Sept. 3, 1985)

10.20.120 Violations. Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Milltown, if applicable.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Town of Milltown in conjunction with Harrison County Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the Town of Milltown from taking such other lawful action to prevent or remedy any violations. All cost connected therewith shall accrue to the person or persons responsible. (Ord. unnumbered, S12, Feb. 8, 1999)

10.20.130 Abrogation and greater restrictions. This ordinance repeals and replaces other ordinances adopted by the Town Council to fulfill the requirements of the National Flood Insurance Program, including #6-1985 and 1990-2. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. (Ord. unnumbered, S13, Feb. 8, 1999)

10.20.140 Separability. The provisions and sections of this ordinance shall be deemed separable and the invalidity any portion of this ordinance shall not affect the validity of the remainder. (Ord. unnumbered, S14, Feb. 8, 1999)

10.20.150 Effective date. This ordinance shall take effect upon its passage by the Town Board of the Town of Milltown. (Ord. unnumbered, S15, Feb. 8, 1999)

Chapter 10.25

MANUFACTURED HOMES

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10.25.100 PURPOSE AND GENERAL PROVISIONS

10.25.100.000 Purpose. The regulations as set for the herein are made in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion on public roads may be controlled; and that the public health, safety, comfort, morals, convenience and general welfare may be promoted. (Ord. 98-5, S100.0, June 14, 1999)

10.25.100.010 Intent. It is the intent of this ordinance to encourage provision of alternative modest housing in general areas by permitting the use of certain manufactured homes, as defined herein, in the incorporated Town of Milltown, Indiana, in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between such manufactured homes and dwellings that have been, or might be, constructed under these and other lawful regulations on adjacent or nearby lots in the incorporated Town of Milltown, Indiana.

Given that the Incorporated Town of Milltown is partially located in Harrison County, Indiana, this ordinance does not attempt to nor is it intended to supersede any ordinance established by the Harrison County Commissioners, Harrison County, Indiana, which does or may govern manufactured homes, mobile homes or mobile home parks located in the County of Harrison. (Ord. 98-5, S101.0, June 14, 1999)

10.25.100.020 Short Title. This ordinance shall be known and cited as the Town of Milltown Manufactured Home Ordinance. (Ord. 98-5, S102.0, June 14, 1999)

10.25.100.030 Definitions.

- (1) ADD A ROOM A factory unit of state approved manufactured housing not designed as part of the original structure which is constructed to code requirements and is not a manufactured home.
- (2) ANCHORING SYSTEM An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure the manufactured home or mobile home.
- (3) APPROVED Acceptable to the appropriate authority having jurisdiction, by reason of investigation, acceptable principles, or test by nationally recognized organizations.
- (4) INDIANA STANDARD FOR THE PERMANENT INSTALLATION OF MANUFACTURED HOMES A standard regulating and controlling the design, construction and quality of materials for permanent foundations systems, and building service equipment connections which are necessary to provide for the permanent installation of one and two family manufactured homes. This standard is hereby adopted with this ordinance.

- (5) IMPROVEMENT LOCATION PERMIT An Improvement Location Permit is required **PRIOR** to the location, relocation or establishment of a manufactured or mobile home. The home owner or authorized representative **SHALL** obtain an Improvement Location Permit in accordance with the standards, conditions and fees of this ordinance.
- (6) MANUFACTURED HOME A dwelling unit fabricated on or after June 1, 1989 in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standard Code or Indiana Public Law 360, Act of 1971, as promulgated by the Indiana Fire and Building Service Commission.
- (7) MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARD CODE Title IV of the 1974 Housing in Community Development Act (42 U.S.C.A. 5401 et. seq.), as amended (previously known as the Federal Mobile Home Construction and Safety Act) and rules and regulations adopted thereunder, which include H.U.D. approved information supplied by the Home Manufacturer, and regulations and interpretations of said Code by the Indiana Administrative Building Council.
- (8) MANUFACTURED HOME INSTALLATION That construction which is required for permanent installation of a manufactured home, including construction of the foundation system and required connections thereto, and the installation and connection of the on-site water, gas, electrical and sewer, which are necessary for the normal operation of a manufactured home. Compliance may be accomplished by the following:
- A. Compliance with the state standards for the installation of manufactured homes as found in the Indiana One and Two Family Dwelling Code (675 IAC-14) Appendix C and the Indiana Standard for the Permanent Installation of Manufactured Homes, which are hereby adopted with this ordinance.
- B. Compliance with the following specific standards:
1. the manufactured unit shall be placed on a solid pier system consisting of individual piers 24"x24"x24" deep, spaced a maximum of 10' (feet) on center (or as per manufacturers specifications).
 2. over-the-top ties shall be provided at each of the four comers of the manufactured home, with two additional ties per side at intermediate locations. (This section does not apply to homes which have factory installed straps.)
 3. frame ties be provided at each comer of the home with two additional ties per side at intermediate locations. (This

section does not apply to homes which have factory installed frame ties.)

4. all components of the anchoring system must be capable of carrying a force of 4,800 pounds.
 5. underpinning or skirting installed.
 6. all steps and landings in place.
 7. the unit shall be completely set-up in accordance with the above standards before an electrical hook-up will be made.
- (9) MOBILE HOME A transportable structure larger than 320 square feet, designed to be used as a permanent year around dwelling unit and built 10 year or less in any present year.
- (10) MOBILE HOME PARK A tract of land upon which two or more manufactured homes are placed and is duly licensed to operate by the Indiana Department of Health.
- (11) NON-CONFORMING HOMES A manufactured or mobile home placed and maintained on a tract of land and deemed to be a non-conforming use prior to the adoption of this ordinance, shall continue to be a lawful use. If the non-conforming use is discontinued, the land must thereafter be in conformity with the provisions of this ordinance.
- (12) OFF STREET PARKING An area of at least ten (10) feet by twenty (20) feet for the parking of a vehicle.
- (13) INDIANA ONE AND TWO FAMILY DWELLING CODE The mandatory state wide building code prepared by the Council of American Building Officials and promulgated by the Indiana Fire and Building Services Commission for enforcement by local authorities.
- (14) PERMANENT FOUNDATION ENCLOSURE A permanent perimeter structural system completely enclosing the space between the floor joists and the earth.
- (15) PUBLIC LAW 360 ACTS OF 1971 Enabling legislation requiring the Fire and Building Services Commission to adopt rules and regulations for the construction, repair or maintenance of factory constructed one and two family dwellings.
- (16) RECREATION VEHICLE A portable vehicular structure **NOT** constructed to the Federal Manufactured Housing Construction and Safety Standards Code and designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by

another vehicle, and including but not limited to travel trailers, camping trailers, truck campers and motor homes and are not permitted as permanent dwellings.

- (17) REPLACEMENT OF NON-CONFORMING HOMES Thereafter, upon application to the designated administrator and subsequent to approval thereof, a manufactured or mobile home, deemed a lawful non-conforming use, may be replaced by a manufactured home, provided the replacement of the home conforms to the requirements of this ordinance.
- (18) SCREENING Trees or shrubs, fences or suitable materials used to enclose a mobile home park to afford privacy and security of the residents and neighbors.
- (19) SINGLE FAMILY DWELLINGS A building or portion of a building which contains living facilities, including provisions for sleeping, cooking, eating, and sanitation for not more than one family.
- (20) SPECIAL EXCEPTION A device for permitting a use within the incorporated Town of Milltown, Milltown, Indiana other than a principally permitted one due advertisement and public hearing by the Town Board of Milltown, Milltown, Indiana.
- (21) STAND The area set aside for the location of a manufactured or mobile home on any given site.
- (22) STRUCTURAL ALTERATION Additions made to a manufactured home **SHALL** conform to the following:
 - A. The addition must be designed and constructed in conformance with the codes adopted by the Town Board of Milltown, Milltown, Indiana for all new construction.
 - B. Additions shall be structurally separated from the manufactured home, except that a structural separation need not be required when structural calculations provided by a licensed engineer or architect are provided.
 - C. Upon application for an Improvement Location Permit, the applicant must provide a detailed plan showing the type of work to be done. These plans must be approved by the designated Administrator and placed on the site at the time of inspection.
 - D. All construction must comply with the provisions of the One and Two Family Dwelling Code as for new construction. All electrical, heating, plumbing and energy conservation codes are to be complied with as in new construction.

- (23) SUPPORT SYSTEM A pad or combination of footings, piers, caps, plates and shims, when properly installed, support the mobile or manufactured home.
- (24) TIP-OUT AND EXPANDO UNITS Units which are designed to be a part of the manufactured or mobile home and are installed and supported at the time the manufactured or mobile home is set. (Ord. 98-5, S103.0, June 14, 1999)

10.25.200 TEMPORARY USE, CIRCUMSTANCES FOR PERMIT ISSUANCE

Subject to conditions, fees, and standard otherwise required by this ordinance, a temporary use permit shall be issued:

- (1) To an applicant in the process of constructing a conventional dwelling; such permit shall not be issued until the permit for the dwelling has been issued. All regulations governing the placement of manufactured or mobile homes on private property must be complied with.
- (2) To an applicant for use as a caretakers residence or construction office at a construction site.
- (3) To an applicant for whose own health or the health of another necessitates care, and when the facts show that an unnecessary hardship could occur if not permitted to locate a manufactured home adjacent to the residence of one who is capable of providing such care or is in need of such care. Applicant must provide the Administrator with supporting documentation showing the need for such temporary use and must make application to the Town Board of Milltown, Milltown, Indiana, for a Special Exception.
- (4) To an applicant, for the period of one year, to be renewed annually by the Applicant, for the purpose of providing residence for a parent or child of the property owner. There shall be one (1) acre volume per dwelling unit place on the property and when the parent or child no longer requires the use of the home it is to be removed. Any mobile or manufactured home placed under this section must comply with all requirements of this ordinance. (Ord. 98-5, S200.0, June 14, 1999)

10.25.300 STANDARDS FOR MANUFACTURED HOMES

10.25.300.000 Permitted placement. The establishment, location and use of manufactured or mobile homes as scattered site residences, shall be permitted in an area of the incorporated Town of Milltown permitting installation of a dwelling unit subject to requirements and limitations applying to such residential use in which it is placed.

- (1) No mobile home or manufactured home of less than 320 square feet of living space shall be permitted as permanent residence in the Incorporated Town of Milltown, Milltown, Indiana.
- (2) No mobile home or manufactured home may be placed on property in the Incorporated Town of Milltown, Milltown, Indiana, and used as a residence until the designated Administrator has inspected, or caused to be made, an inspection of the home as to the safety of the electrical, heating and plumbing systems. (Ord. 98-5, S300.0, June 14, 1999)

10.25.400 MOBILE HOME PARKS

10.25.400.000 General. The following pertains mobile home parks:

- (1) Size. No tract of land containing less than five (5) acres will be considered for a mobile home park. (Ord. 98-5, S400.0 (1), June 14, 1999)
- (2) Landscape. Upon review of a plan for a mobile home park, the Milltown Town Board, Milltown, Indiana, may require landscaping or other screening devices be incorporated into the plans to assure privacy and protection to adjoining properties. (Ord. 98-5, S400.0 (2), June 14, 1999)
- (3) Setbacks. No mobile home in any mobile home park shall be located closer to the public right-of-way of an adjoining road than fifty (50) feet and no mobile home shall be closer to the park boundary than twenty-five (25) feet. (Ord. 98-5, S400.0 (3), June 14, 1999)
- (4) Stands. Every mobile home shall be provided with a stand. (Ord. 98-5, S400.0 (4), June 14, 1999)
- (5) Storage tanks. Fuel storage tanks in a mobile home park shall meet the requirements of the State Fire Marshall's Office. (Ord. 98-5, S400.0 (5), June 14, 1999)
- (6) Off-Street parking. Every mobile home park shall provide two (2) off-street parking spaces for each mobile home. (Ord. 98-5, S400.0 (6), June 14, 1999)
- (7) Lighting. All exterior park lights shall be so located and shielded so as to prevent direct illumination of any areas outside the park. (Ord. 98-5, S400.0 (7), June 14, 1999)
- (8) Utility lines. All utility lines serving the mobile home park shall be installed in accordance with all existing codes. (Ord. 98-5, S400.0 (8), June 14, 1999)

- (9) Sanitary sewers. Every mobile home shall be and is required to utilize the existing public sanitary sewer system in and of the Incorporated Town of Milltown. (Ord. 98-5, S400.0 (9), June 14, 1999)
- (10) Streets. All interior streets must be able to accommodate two (2) lanes of traffic at all times and be a minimum of twenty-two (22) feet in width. On street parking, if provided, must be in excess of the minimum road width. (Ord. 98-5, S400.0 (10), June 14, 1999)
- (11) Water. Every mobile home shall be and is required to utilize the existing public water utility in and of the Incorporated Town of Milltown. (Ord. 98-5, S400.0 (11), June 14, 1999)
- (12) Mobile Home Parks.
 - A. PROCEDURE Any person wishing to develop a lot, site or parcel of land for the purpose of creating a mobile home park must submit a request to do so the Milltown Town Board, Milltown, Indiana and then to the Indiana State Board of Health. (Ord. 98-5, S400.0 (12), June 14, 1999)

10.25.500 REMEDY

Any person or corporation who shall violate any provision of this ordinance or fail to comply therewith shall, for each and every violation and non-compliance, shall be fined not less than \$10.00 and not more than \$50.00 and each day that such violation for non-compliance shall be permitted to exist shall constitute a separate offense. (Ord. 98-5, S500.0, June 14, 1999)

10.25.600 VALIDITY, ADOPTION AND REPEAL

10.25.600.000 Severance clause. If any section, clause, or portion of this ordinance shall be held to be invalid or unconstitutional in any court of competent jurisdiction, such decision shall not affect any other provision of this ordinance. (Ord. 98-5, S600.0, June 14, 1999)

10.25.600.010 Effective date. This ordinance shall take effect upon its passage and approval by the Milltown Town Board, Milltown, Indiana. (Ord. 98-5, S600.0 (1), June 14, 1999)

10.25.600.020 Effective date Repealer. All ordinances or parts thereof that are in conflict with the terms of this ordinance are hereby repealed. (Ord. 98-5, S600.0 (2), June 14, 1999)